

THE WORK OF THE THIRD, FOURTH, and FIFTH SESSIONS

OF THE

FOURTH NEW ZEALAND PARLIAMENT

1868 - 70

AND ITS RELATION TO THE HISTORY OF THE COLONY.

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*With many thanks.
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FOURTH NEW ZEALAND PARLIAMENT, 1868-70.

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THE THIRD, FOURTH AND FIFTH SESSIONS

OF THE

FOURTH NEW ZEALAND PARLIAMENT

P R E F A C E

This thesis attempts to show the importance of the work of the New Zealand parliament from 1868-70 and ~~to show~~ the influence on this work of the movements and opinion of the colony as a whole.

General histories of New Zealand are apt to treat this period rather casually as it did not produce any of the more important legislative measures. Nevertheless even if it ^{did} not pass far-reaching legislation, it had an importance of its own, for it was a parliament of endings and beginnings. It saw the end of Stafford's last ministry, the end of the self-sacrificing and public spirited work of this Superintendent of Nelson; the end of the Maori Wars, and the disputes with the Imperial Government. It saw the true beginning of a constructive policy towards the natives and the reconciliation of the two races. It saw the beginning of the end of the Provincial System, and most important of all, the beginning

of Vogel's period as Treasurer and his policy of borrowing and public works.

In arranging my material I have summarised briefly the work of the first three New Zealand Parliaments, and that of the first two sessions of the Fourth, after which I have endeavoured to give some idea of the conditions prevailing in New Zealand in 1868. Devoting one chapter to the work of the last three sessions of the Fourth Parliament, chiefly from the source of Parliamentary Debates, I thought it wise to deal with the Maori question in a separate Chapter. In it I have followed through the history of the sessions trying to link up the events in the country with the parliamentary debates and legislation, and hoping to show the effect on the members of the legislature (and through them on the legislation) of the public opinion of the time.

I found my greatest difficulty in obtaining material concerning the condition of New Zealand in the year 1868. I did not wish this account to be purely a parliamentary record, yet there is an amazing lack of literature describing the social and more general position. Sewell's Diary ended before these years. My domicile prevented me from making use of the McLean and Stafford Papers in the Turnbull Library. I made enquiries of my elderly relatives, but they had not arrived in New Zealand till about the eighties, and even then were very young, but their stories enabled me to form some idea of the primitive state of the Colony and what it must have been ten years before.

By dint of much searching I discovered various old books written about this time, with their thick pages and distorted maps, and they helped to throw some light upon the times.

THE THIRD, FOURTH, and FIFTH SESSIONS of the
FOURTH NEW ZEALAND PARLIAMENT.

P A R T I

Chapter I.

Introductory:

Beginnings
The Constitution
First New Zealand Parliament 1852
Importance of First Parliament
The Second Parliament 1856
The Third Parliament 1860-66
First and Second Sessions of Fourth Parliament 1866-7.

BEGINNINGS:

When the Colonial Office took over the Government of the Colony of New Zealand in 1840, it did so very reluctantly. There were many problems awaiting solution, but the authorities did not choose Governors with the knowledge necessary for their solution. In accordance with the usual practice the first two Governors were Captains in the Royal Navy, and whatever may have been their abilities as sailors, they were hardly suitable for the task before them. So that, just when New Zealand needed a strong self-reliant government, it was started on its career with an inexperienced Governor, incompetent officials, and inadequate provision for defence.

Captain Hobson was at first subordinate to the Governor of New South Wales, but this awkward arrangement did not last long. On December 9th, 1840, New Zealand became an ordinary Crown Colony, with a Governor and a Legislative Council, consisting of both official and un-

official members, all of whom were appointed by the Governor and held office at the pleasure of the Crown. During the first few years of the Crown Colony there was little Governmental control in the outlying districts. From the first there was bitter hostility between the Governors and the inhabitants of the southern settlements of the North Island where the New Zealand Company's settlers in particular, felt they had been most unjustly treated.

Sir George Grey in 1845 found the Colony with no definite native policy, with her administration corrupt, and her financial position chaotic. He laid the foundations upon which a sound administrative and constitutional system might be built, and this is his chief title to fame in New Zealand. He also framed a land system, and created institutions for the Maori people with a view to hastening their Europeanisation. The influence of the missionaries appeared to be paramount with the Colonial Office, and the native policy was experimental, for the officials had no experience in such matters. The attempted solution of the problems by the missionaries, and later the Protectorate Department, only aroused the distrust of both Colonists and Maoris. Here too, lay the beginning of the land question which was to be such a fruitful source of discontent. Grey did not carry out Fitzroy's threat to confiscate the lands of the rebels, and he brought peace to New Zealand, although he could not repair all the damage that had been done. He did however, begin to define a native policy, which included measures for the prohibition of the

sale of arms, ammunition and liquor, the provision of medical assistance, and a native constabulary force; laws for the adjustment of disputes between natives and Europeans, and the employment of the natives on public works.

THE CONSTITUTION: New Zealand was a typical Crown Colony till 1848, when, yielding to the growing desire for popular institutions and the need for a larger measure of local Government, Grey introduced in part one of his own constitutions which divided the Colony into provinces and provided a limited degree of representative government. These first attempts to provide some machinery for provincial government were not successful, and the Governor received little thanks for his constitutional reforms. Nevertheless he developed his idea of constitutional government in suggestions that were largely embodied in the Imperial Parliament's Constitution Act of 1852.

FIRST NEW ZEALAND PARLIAMENT, 1852. This Act was a first step towards responsible Government with the grant of representative institutions. It divided the Colony into six Provinces and provided for a General Assembly (for the Colony as a whole) consisting of the Governor, the Legislative Council, and the House of Representatives; and for six Provincial Councils. The franchise included all men over twenty-one with a small property qualification. The Assembly was granted the power to pass any laws not repugnant to the law of England, providing that certain Bills should be reserved for the approval of the Crown, and asserting the right of the Imperial Government to

disallow any Act. The General Assembly was to be supreme in the field of legislation, having the power to over-rule legislation of the Provincial Councils. A rather unusual concession was made when the Imperial Government gave the Colony the power to amend its own Constitution, subject of course, to the approval of the Crown. The General Assembly was to control revenue and the disposal of waste lands. There were to be Six Provincial Councils, with a Superintendent, and a Council of not less than nine members to be elected every four years. Thirteen enumerated subjects were excluded from the jurisdiction of the Provincial Councils. One point to be noticed is that the Governor retained complete control of native policy.

IMPORTANCE OF FIRST PARLIAMENT:

The chief importance of the First Parliament is its struggle for responsible government. The Colony was deeply disappointed in the 1852 Act, which did not work nearly as well as had been expected. The trouble with the Provincial Councils broke out at once, for the local bodies had usurped some of the powers of the central government before it had been sufficiently organised to claim them. Naturally great difficulty was experienced in trying to clear up the position. Much time was spent in wrangling and agitating and getting nowhere. The questions of parliamentary financial control and ministerial responsibility were vital, and the Governor was reluctant to commit himself, and would not concede complete self-government.

THE SECOND PARLIAMENT:

Finally it was agreed that New Zealand should have responsible government, and this came into practice in the second New Zealand parliament in 1856. The control of native policy was reserved to the Crown, acting through the Governor of the Colony.

Very naturally, in a new political situation in an infant colony, responsible government did not work easily at first, and the House wasted much of its time forming and breaking and reforming ministries. The party system was the main difficulty, but there was one question, namely, the scope of provincial rights, on which party division could rest. From the very beginning there was bitterness and jealousy between those supporting the dominance of the Provincial Councils and those who considered that the Central Government should be supreme.

Unfortunately all the implications of responsible government had not been fully discussed so that there were several points not clearly defined. There was, for example, confusion of opinion as to the distribution of the financial burdens among the provinces. The southern provinces unharassed by the Maori Wars, and with a large revenue from the sale of land, objected to bearing part of the expense of the wars in the north, while the northern provinces envied the south their peaceful progress, and were irritated by their aloof attitude.

The ineffectiveness of the first parliament had given the Provincial Assemblies an opportunity, which they

had not hesitated to take, of obtaining much more power than was originally intended for them. Despite the establishment of responsible government, the second parliament found it very difficult to dislodge them from their strategic position, and recover the exercise of its legal powers. With provincial jealousy already so apparent, and the difficulty of forming stable ministries, it was not till Stafford became leader in 1856 that responsible government became a reality. The greatest need of the Colony was order, and Stafford settled the outstanding liabilities of the government, thus restoring the financial position. Among other things he apportioned the provincial burdens more fairly. By this time provincial jealousy was at its worst for it reached its climax in the third session when centralist legislation was hurried through the House in the absence of those members whom it would most affect.

Regarding native affairs, the government was severely criticised for its unwise policy, but it is hardly fair to blame any particular ministry. The causes of the Maori Wars had been gathering force for many years. In the view of many colonists the struggle was the outcome of the policy of the Colonial Office during the Crown Colony period. In 1858 legislation was passed with a view to improving the legal position of the Maoris, as well as their municipal rights. Another Bill, the Native Territorial Rights Bill was disallowed by the Home government. It is difficult to predict

what would have been the effect of this Bill at the time, but it is almost certain that had it come much earlier it would have removed one of the greatest causes of discontent among the natives,—their dissatisfaction with the land settlement. The definite achievements of the second parliament therefore were overshadowed by the effects of the Maori War which, it must be admitted, the short-sighted policy of Stafford's ministry had helped to bring about.

THE THIRD PARLIAMENT:

The third parliament 1860-66, was mainly concerned with the Maori Wars and the problems arising therefrom. There was much disagreement between the North and South Islands over financing the Wars. 1863 marks an event which was later to be of great importance. New Zealand obtained control of her own native policy, and, although she probably didn't realise it at the time, the sole responsibility for internal defence. This, towards the end of the sixties, was a great bone of contention, and the cause of many angry debates on the question of the Imperial Government's responsibilities.

This parliament saw the gold discoveries in Otago and the rushes to the diggings. There was much talk of the political separation of the two islands. The reckless borrowing of the Provincial Governments made it very difficult for the central government to raise loans for carrying on the war. The Domett ministry tried to remedy some of Otago's grievances, and in 1862 this province was allowed four more representatives, while the appointment of a Supreme Court

Judge there, brought about a great improvement in the administration of justice.

In 1865, after numerous long discussions on the subject, the seat of Government was shifted from Auckland to the more central Wellington.

The separation proposals were ultimately rejected.

An important feature of this parliament was Weld's administration, and his policy of "self-reliance". He wished to change the native policy, and make New Zealand rely on her own resources in solving her native problems. But Weld went out of office and an administration was needed which would be able to make both ends meet. Stafford seemed the most likely person and he began his second period of office as Prime Minister on October 16th, 1865.

FIRST AND SECOND SESSIONS OF FOURTH PARLIAMENT:

The first and second sessions of this parliament were more in the nature of a preparation for the following three years, without much importance of their own. During the first session there were several difficult and interesting questions agitating the Colony. That of separation was still being debated, and the clash between the Provincialists and the Centralists was rapidly growing in intensity. A ministerial crisis led to Stafford losing his weaker colleagues. The need of a sound financial policy was still glaringly apparent, and was bound up with the vital question of defence. It was becoming clear that some organised form of land settlement was necessary at

this time; and the provincial loans presented a difficult problem. The Public Debts Act and Consolidated Loans Act arranged for a loan to convert Provincial and Colonial debentures. Provincial loans were to be charged on the consolidated revenue, and interest charges to be deducted from the Provinces' share. The Provinces were not to raise loans or guarantee payment of any interest or subsidy.

The second session was introduced by a cheerful speech from Governor Grey, who remarked on the order and progress of the southern provinces, and the peace established in the North Island. A Bill was passed in this session granting the Maori people four representatives in the House of Representatives - a notable event in Empire history. During these two sessions also the Vote by Ballot Bill was introduced, but this was thrown out by the Council. One Act passed at this time, which was to be the cause of much dispute later, was the Westland County Act, separating Westland from the Province of Canterbury, and giving it the status of a County. Acts were initiated dealing with University Scholarships and the Bankruptcy Laws, but nothing definite was done. The mail services between New Zealand and Australia and Britain were important at this early stage, as improvements in communication meant so much to a distant colony. The financial condition of the country was provocative of a debate which lasted through both sessions.

The main questions of the fourth parliament however were settled in the last three sessions. In these first two sessions we see only the opening up of problems whose solutions will have to be found in the next three years.

P A R T I.

Chapter II.

New Zealand in 1868

Social Conditions
 Political Background
 The Provincial System
 Education
 Religion
 General Economic Situation.

SOCIAL BACKGROUND: J.M. Moore⁽¹⁾ describes the social life in New Zealand as hearty and unconventional. Despite the schemes of the "Reformers of 1830" and Wakefield's dreams of the transportation of a cross section of English life, it was found impossible to build up a class society on the same lines as the Old Country's. Noble birth gave no distinction, except in making other colonists suspicious as to its owner's capabilities for practical work. Yet it is impossible for a community to exist long without some form of aristocracy arising, and in the case of a young colony this aristocracy is one of practical ability. There were, of course, ups and downs in the progress of the country, and 1868 was not one of the most prosperous periods "for wool, the great staple of the Colony had fallen so much in price that it hardly paid to shear the sheep, and money was at famine price" ⁽²⁾ . Moore, however, assured his readers that the difficulties which might be encountered had been grossly exaggerated, and remarked on the neighbourly kindness and hospitality of the settlers. This, I imagine, would be a characteristic

(1) "N.Z. for the Emigrant, Invalid and Tourist". J.M. Moore, London, 1890.

(2) Whitmore. "Last Maori War in New Zealand". Preface xiii.

feature of all young settlements where the inhabitants lived in constant danger of attack by hostile natives, and felt therefore the need of effective co-operation.

He also mentions the fact that the colonists have time to indulge in sports such as cricket, football, tennis, and cycling (perhaps there were a few good roads then!) For their evening amusement, lectures were organised, which, we are assured, found large and attentive audiences.

One of the benefits of Wakefield's scheme can be seen in the proportion of younger sons of noble families, who, with a great tradition behind them, kept up their interest in art, music and literature, and formed the basis of the culture which usually develops so slowly in a new and struggling country. Yet Anthony Trollope⁽³⁾ found Wellington very dull, except when the General Assembly was sitting, and then it was gay enough. He compared the population of the various capitals, and gave the opinion that "From the position in which Wellington stands, and the manner in which it is surrounded by the sea on all sides but one, it is too closely hemmed in, and too destitute of land immediately around it, for extensive prosperity as a town." The future possibilities of the city as a port on account of its magnificent harbour were evidently not foreseen.

The settlements at this time were very scattered, small groups or even single families being many miles from the nearest colonist, often in the heart of hostile territory.

(3) "New Zealand" Anthony Trollope, London 1874.

The natives up to the beginning of the sixties had not been hostile; indeed they had been friendly and frequently helped the new arrivals to build their temporary homes. But by 1868 in the North Island, in the King Country and on the East Coast, their feelings had changed and they strongly resented the presence of these pakehas on their land. The colonists in their undefended state, lived in perpetual fear of attack, and tempers were in such a condition that any small incident sufficed to cause trouble. The natives knew their strength and of course had a great advantage over the English in their excellence in bush fighting.

POLITICAL: Despite this tension however the colonists on the whole were well disposed towards the Maoris and were ready to grant the advantages of political freedom which they themselves possessed. A Bill was passed dividing the native population into four sections each of which was to send one representative to the General Assembly. These representatives first took their seats in 1868. Representation was on the basis of manhood suffrage ⁽⁴⁾ Elections were keenly contested, "a whole string of candidates usually presenting themselves at the polls." The Maori members had the same privileges as the English members, and the same opportunities to take part in the debates. Interpreters translated the speeches of the other members into Maori, as well as translating the Maori speeches, and a Maori translation of Hansard was published. This Maori representation was part of Sir

(4) "Australia, Tasmania and New Zealand from Earliest Days". J. Grattan Grey, P. 602.

Donald McLean's scheme to conciliate the native race after the War.

The resuscitation of Sir George Grey's system of native schools was another step in the same direction.

The membership of the House of Representatives had been fixed at 72 in 1867, and it remained the same till 1870 when two more members were added. In 1868 a slight amendment was made to the Act of 1857, giving the General Assembly power to alter, suspend, or repeal the provisions of the Constitution Act, with the exception of certain fundamental sections. In this year also the ballot system was proposed for elections to the House of Representatives, but the Bill was thrown out by the Council, which was predominantly conservative.

THE PROVINCIAL SYSTEM:

The Provincial System by this time had developed to the stage where it was ready to bring about its own downfall. It had been originally framed by Grey, and heartily endorsed by Wakefield. They both insisted, quite rightly, that the circumstances of the colony at the time of the Constitution Act demanded a large measure of local self-government. But such circumstances were temporary and the system could not outlast them. Its continuance gradually developed into a party question, Centralist against Provincialist. The Provincial System was no doubt wise in its day, but as the colony progressed, so its form of government had to progress. When local isolation was broken down the system became an anachronism and a burden; its defects became more obvious; its usefulness decreased, and it became the strongest barrier to a united colony, and the development of a national policy. The provinces had the right to administer

waste lands, the differing values of which in the various colonies led to interprovincial jealousies. Legally the Provinces were subordinate to the Central Government, but they had become almost like separate states, unequal, and mutually jealous and selfish and grasping. The south was rich and sparsely populated, the north was poor and hampered by Maori troubles which hindered occupation and antagonised the south.

In 1868 the first important public attack on the system was made by Stafford. He was not successful in abolishing it, and with all its evils it continued its existence for almost another decade.

The arguments he brought against it however remained valid, only increasing in urgency as the years went by. The provinces themselves neglected their own back country and really expressed only the interests of the chief centres. Provincial pride degenerated into jealousy, and sometimes spiteful recrimination.

A spirit of protectionism grew, the six colonies trying to exclude one another's goods, and to hamper trade by unnecessary quarantine regulations at the ports, and Fencing Acts within the country. Friction was caused by the different regulations concerning disease and pests; the control of police and prisons; and lack of co-operation between the authorities. This, with the Provincial control of lands, led to wasteful expenditure. Educational opportunities, although good in some provinces, were rather unequal. Legislative and administrative difficulties arose

in the General Assembly. Members of the Provincial Assemblies could sit in General Assembly, and this led to many kinds of abuse, such as log-rolling, coalition of provincial groups, and organised raids on the Central Treasury. National spirit was thus frustrated and ministerial responsibility could not be maintained for expenditure. This indifference to the general welfare of the Colony is reflected in the scarcity of legislation with application to the Colony in general.

The General Government at times found it impossible to raise a loan for special purposes without first promising the provinces a dole out of it. Thus the loan had to be much greater than was really necessary.

EDUCATION:

The Education system which was in the hands of the Provincial governments, compared very favourably with the English system of that day ⁽⁵⁾. Colonial parents appreciated the benefits of education and culture. Education was free and compulsory, expenditure being met in part from rates and in part from general Provincial funds. The schools were not exclusively English - Maori children being admitted to them. This, it was felt, would help in laying down the basis of future goodwill between the races. It was at this time that education began to be taken out of the hands of the churches. Previously denominational schools had been the rule, but by the beginning of the seventies the Sunday Schools developed into day schools and the Provincial Governments set themselves seriously to the task of building up public school systems.⁽⁶⁾

(5) "Old England and New Zealand" Alfred Simmons 1879

(6) "Educating New Zealand" A.E. Campbell, Wellington, 1941
(Centennial publication)

RELIGION: There was no established State Church, but there were churches and chapels of all denominations throughout the Colony. The Established Church of England held the same position in the colony as that of other religious denominations. There were no state endowments; no grants of public money; and the Bishops had no seats in the Legislature of New Zealand. Religion - whether of Church or Dissent - stood completely upon its own footing, and depended entirely upon the voluntary system. This open-mindedness towards religious denominations was rather surprising considering the antecedents of the founders of New Zealand. Perhaps in the bitter differences between these bodies which characterised the early colonisation lay the real cause of the later toleration. Canterbury had been settled by Anglicans, Dunedin by Presbyterians, and the English church clergymen and the dissenting ministers associated together ^{much} more freely than at Home, both privately as well as in public.

Means of transport were improving, and Wellington boasted steam tramways. The railways from the first were owned and operated by the provincial governments. In ¹⁸⁶³ ~~1864~~ the first had been opened in Canterbury, and by 1865 the tunnel through the Port Hills was completed and the youngest settlement in New Zealand possessed the first railway, joining Christchurch with its port of Lyttelton.

As illustrated by the newspapers, the overseas news still occupied much of the attention of the colonists, and great interest was being taken in the action of the trade unions in England, and the political struggle in Victoria. Native

affairs were the main cause of apprehension, but the settlers still had time to criticise the Westland Counties Bill, and the high rate of taxation. Financial and educational reforms were a source of discussion, but at the beginning of this period public opinion was raised to a peak of loyalty by the attempted assassination of the Duke of Edinburgh, and the Fenian risings on the West Coast.

GENERAL ECONOMIC SITUATION:

The general economic situation at this time was very depressing. To quote Hall in presenting the Financial Statement ⁽⁷⁾ "I have to speak of financial depression - that, for the first time in the history of this Colony, its revenue exhibits a falling off, corresponding but too truly with the general commercial depression which we know to exist throughout the Colony." Wool, usually a staple product, between the years 1865-70 supplied only 32-37% of the aggregate exports, while in 1860 it had supplied 81% and in 1875 it supplied 62% ⁽⁸⁾. From the sixties there was a persistent decline in the price of wheat synchronous with the decline in production. The rapid fall in farm products in 1868-69 was followed by a high bankruptcy rate. The total trade figures from 1867-71 were considerably lower than those of the years preceding and following. ⁽⁹⁾ The gold rushes in the sixties gave an immediate impetus to production, but this quickly fell off. Exports were still confined mainly to the United Kingdom and Australia.

(7) Parliamentary Debates, Vol. III. P.78.

(8) "The Course of Prices in New Zealand". J.W. McIlraith, P.44, 48, 98. N.Z. 1911.

(9) "The External Trade of New Zealand". J.B. Condliffe, Wellington, 1916.

P A R T I IChapter IIITHE MAORI WARS AND IMPERIAL RELATIONS

The Maori Question
 Suggested Solution
 Defence
 Imperial Claims
 General Apprehension and Further Outbreaks
 Suggested Annexation to the United States of America
 Conduct of Imperial Government.
 Intercolonial Trade and Reciprocity Treaties.

THE MAORI QUESTION: When Sir George Bowen arrived in New Zealand at the beginning of 1868 he proceeded almost at once on a tour of the North Island, visiting the Maori chiefs, and investigating and settling native disputes. In most districts relations were amicable, and the Maoris were roused to expressions of loyalty by the attempted assassination in Sydney of the Duke of Edinburgh, which was reported in New Zealand on March 24th. It is interesting to note, although too much significance should not be attached to it, that Wanganui and Taranaki were not visited in 1868, and it was there that the natives first broke into open rebellion in April, May and June. During this period the colonists' fears of attacks by hostile Maoris provided a background to all other activities. This uneasiness is manifest at times of crisis in the extravagant language of the members of the legislature. Yet, with the apathy of those not yet personally affected, we find the people of Wellington being very slow in organising their Volunteer troops as protection against the Maoris.⁽¹⁾

(1) Wellington "Evening Post" Tuesday, May 5th, 1868.

The general apprehension was not confined to New Zealand, for there were many people in England who had relatives and interests in the colony, not to mention the fact that New Zealand's relations with the Imperial Government were such as to provide material for frequent leaders in "The Times" (2). The treatment of the colonies was a question of very wide interest at the time, and the differing schools of thought with their continual controversies kept the matter in the limelight. The main difficulty arose over the defence policy, and the struggle between the two governments was a long and bitter one. Since Sir George Grey and the Imperial Government had decided that New Zealand should have control of her own native affairs, the government had been forced to accept the entire responsibility for internal defence.(3) In the debates in both House and Council in the next two years, it was repeatedly stressed that the Government of New Zealand accepted this responsibility only because it had been assured of the sympathetic co-operation of the Imperial Government. The Declarations of the Colonial Office that Great Britain would assist the colony only in the event of a foreign war, evoked a burst of indignation from some members.(4)

The problem of divided authority in military matters was indeed very real. It caused trouble between the Colonial and Imperial Governments in regard to the command of the Imperial troops, for the New Zealand Government claimed the right to direct military operations, while the Imperial Government pro-

(2) Harrop, ^{land and the} "England and the Maori Wars". p. 331, 335, 350, 327.

(3) According to later statements of some members this had been done very reluctantly. cf. Whitmore "Last Maori War in N.Z." Preface viii and ix

(4) The position is well summed up by Currey "British Colonial Policy" p. 157

tested against the troops being used in support of a policy over which it had no control. Also, in the Colonial Defence Force itself, the conflict between civil and military leaders in outlying districts led to disunity at the very time when the greatest essential for success was unity. It is interesting to follow this problem of defence in the discussions in the House and in the Legislative Council.

Early in 1868, Graham and the Aucklanders declared themselves against war expenditure. They wanted peace, and blamed the south for the continuation of the war.⁽⁵⁾ Compare this with Hall, who quoted Fitzherbert's statement of the previous session .. "The Government, whenever the occasion may arise, and to the fullest extent such occasion may require, are determined to put in requisition the entire resources they can command in order to maintain the peace of the country, in the event of its being disturbed." The policy of self-reliance according to Hall had become the policy of the country.⁽⁶⁾ It is evident that the country was very evenly divided on the general question of self-reliance as well as on the particular one of asking for the retention of Imperial troops. Consider the statement of Dr. Pollen to the Legislative Council where he stated that the ministers had acquiesced in the removal of the Imperial Troops⁽⁷⁾, and Colonel Russell's reply that the self-reliant government was displaced virtually upon this question, and that from the moment they were

(5) Parliamentary Debates, Vol. II, P. 470.

(6) Parliamentary Debates, Vol. II, P. 472

(7) Parliamentary Debates, Vol. II, P. 144-5

displaced, the withdrawal of the troops had not been contemplated, nor had it been desired by the colony. The results of the withdrawal, or even the possibility of the withdrawal of the regiment were fully discussed. Some members felt that it would have a very bad effect on the Maori attitude and the prestige of the colonists.⁽⁸⁾ They argued that the withdrawal of the troops at such a critical time would incline the natives to believe that the Queen was deserting her colonists, and encourage them to rise in rebellion; also it would tend to drive the friendly natives into taking a hostile attitude for their own defence. Buchanan complained that⁽⁹⁾ "nearly all the troubles with which we are at present surrounded are due to the treatment we have received from the Colonial Office"; but he asserted that England, having the advantage and prestige of colonies, should be prepared to help pay for them. Mantell insisted that New Zealand must blame herself for she had the offer of keeping the troops and refused it. He maintained that the New Zealand Government itself sought the control of native affairs, and it should not shirk the responsibilities thus entailed. McLean's contribution was interesting and astounding, when he pointed out that at the present rate the Maori population would be extinguished in less than 20 years. Russell emphasised the fact that New Zealand took over the responsibility of native affairs upon the conditions, implied and expressed, that she might look for the cordial co-operation of the Home Government, but he

(8) Parliamentary Debates, Vol. II. P. 206. Scotland

(9) Parliamentary Debates, Vol. II. P. 210.

criticised the attitude of the colony itself and the tone of its dispatches as inconsistent and even insulting from a small colony to the Mother Country. Kenny mentioned the inconsistency in the colony itself over the desire for the troops. The Government had had to use the troops at the time of the Fenian rising, on the West Coast of the South Island, and again on the East Coast of the North Island. This discussion led eventually to the passing of a motion to ask for the delay of the embarkation till the Governor had put the position before the Home Government. (10)

In July risings among the natives had occurred at Patea, and reports of cannibalism were causing terror among the settlers of the West Coast of the North Island. On July 15th, came news from Hawkes Bay of the arrival of the escaped Chatham Island prisoners. On August 21st, McDonnell captured the stronghold of Titokawaru, but on September 7th a serious reverse was suffered at Te Ruaruru.

Another line of division might be drawn distinguishing the theorists concerned with the principle of self-reliance, from the more practical men who felt the urgent danger to the colony and were prepared to waive their rights in return for adequate protection. This subject of defence was one which was being discussed everywhere. One debate extended from September 16th to 25th, when the House resolved "that it views with alarm the position in which the colony is being placed by the action of the Government in relation to defence and native affairs." (11)

(10) Parliamentary Debates, Vol. II. P. 286

(11) Parliamentary Debates, Vol. III. P. 374

Suggestions were made by the Council that a Colonial Force should be enrolled, to act as police, and be prepared to deal with native insurrections. Pollen felt that besides the Colonial Force suggested, the Imperial Regiment would still be needed to give adequate security. On September 22nd, it was moved in the Legislative Council that the Militia Act should be brought into operation, so that corps of militia men might be enrolled. (12)

There were two main centres of rebellion in these years, one on the east towards Hawkes Bay, and one in the centre towards the west coast. Te Kooti and his fellow prisoners from the Chatham Islands collected a large following of Hau Haus, and spread death and terror on the East Coast from July 15th 1868 till October 4th 1869. The Maori King Movement had many supporters who were divided more or less distinctly into two parties. The majority was disposed to follow the moderate counsels of Tawhiao the King, who however had great difficulty in keeping control of Hakaria and his followers, who were of a more uncompromising spirit.

SUGGESTED SOLUTION:

There was a suggestion at this time that the Maoris should be formed into a Province under their own King, who would have similar standing to any local ruler under the Crown, and who would rule his people with their own laws. The suggestion however received little support, and the possibilities of the matter were therefore never thoroughly investigated. It is impossible to say without a full knowledge

(12) Parliamentary Debate^s, Vol. III. P. 475

of the situation, but it would seem probable that it was rather late to attempt such a scheme. The settlers by this time were well scattered about the country, and the natives were tenaciously holding what land they had, so that it would have been difficult to find a suitable district where such a Province could have been established without much friction. Almost certainly the natives themselves would have been suspicious of such a plan, and regarded it as another attempt to obtain their land. The fact that the land question was such a bitter one in these years would have been a weighty factor against the scheme. Apart from this, the question of the King would probably have raised difficulties, if not just then, when there was a powerful King, at least later when several chiefs would no doubt wish to contend for the honour. On the other hand, it is possible that such a Province would have ~~had~~ ^{resulted in} great benefits to the Maoris, to their physical and moral well-being, for they would have been saved to their natural environment and occupations. Here again it is impossible to judge with any certainty.

DEFENCE The Maori question is of course intimately bound up with the defence problem and military matters. The administration of the military forces was not all that could be desired, the officers having so little control that they were unable to prevent mutiny or to punish offenders in any way. The number of desertions and the lack of unity in the forces in the field had been the cause of much indignation. The

Colonial Forces Court Martial Bill was therefore passed on October 6th, and received the Royal Assent on the 16th. This was an Act to extend and apply the Mutiny Act to the Armed Constabulary when on service in Proclaimed Districts and to authorise the constitution of Courts Martial for the purpose of trying offenders serving in the Armed Constabulary in such districts and offenders serving in the Militia or Volunteers whilst on Active Service.

IMPERIAL CLAIMS: On October 8th the Council discussed the Imperial claims against the colony, and welcomed their satisfactory settlement.⁽¹³⁾ This settlement was mainly due to the work of Fitzherbert, whose efforts at Home had been persevering, persistent, conciliatory and judicious. Both sides felt that they were a little wronged by this settlement, but considering everything, the dropping of all claims by both Governments seems the wisest and fairest course which could have been pursued. The colonists felt they had a moral claim and were entitled to the co-operation of the Imperial Government in suppression of armed rebellion, while the Imperial Government felt that it had spent quite enough money and men on the colony, and that it was time the colonists made some return instead of asking for more. Irritation in the

(13) These claims were investigated by Jones on behalf of the Imperial Government and Richardson for the New Zealand Government. The complete account of Imperial claims against the Colony was £1,304,963.17.1 of which Richardson admitted £759,621.14.7. The counter claims of the colony which had not been examined owing to the departure of Jones were £906,856.15.8 $\frac{1}{4}$, which left a credit due to the colony of £147,235.1.1 $\frac{3}{4}$ (A. to J.H.R. 1867. B5A) But to the Imperial Government "It appears that a careful scrutiny of the claims would result in establishing a considerable balance as due to the British Treasury." A to J.H.R. 1868. A.9. Enclos. 1 in No. 3.

(A. to J. H.R. .. Appendices to Journals of House of Representatives)

colony was increased by the conviction that the native troubles were due to the previous Imperial administration, and the belief that the New Zealand Government had been forced into taking control of the native policy when the Colonial Office found it had failed.

GENERAL APPREHENSION AND FURTHER OUTBREAKS: Fear of the natives

was spreading rapidly towards the end of 1868, and the forebodings of the people were only too vividly realised. At the beginning of October, both the Council and the House were asking for the retention of the 18th Regiment. The House was united on this matter. Stafford, supported by Fox, moved ⁽¹⁴⁾ "That the removal of the 18th Regiment, in the present conditions of the northern settlements, would tend to increase the excitement and confidence of the rebellious Maoris, and to discourage those friendly to Her Majesty's Government. That the colony has for many years past constantly fulfilled and is virtually fulfilling the conditions on which the retention of an Imperial Regiment in New Zealand was sanctioned in the despatch of Lord Carnarvon of 1st December 1866. That this House therefore respectfully prays His Excellency the Governor to take steps for delaying the departure of the 18th Regiment until the subject shall be referred to the Imperial Government." The motion was passed by a large majority.

(14) Parliamentary Debates, Vol. IV. P. 105

Most members were enthusiastically in favour of the motion, but it is interesting to note what Mr. Travers points out; ⁽¹⁵⁾ that on August 18th the same matter had been brought up for consideration and the Government had been too short-sighted to support it. Matters had not reached such a crisis then. Hall agrees to the resolution because he does not consider it an abandonment of the 1864 policy, and he still believes that the Colony ought to protect itself, can protect itself, and that the management of defence and Native affairs will never be satisfactory unless it is a colonial question.

However we find Borlase expressing himself very strongly ⁽¹⁶⁾ He did not believe it was advisable for the colony "to retain one single British soldier. It was no use doing it; and for the purposes of self-reliance one thing must be got rid of, and that was the British ensign, which, as long as it flaunted in the colony, would make us neither more nor less than slaves."

The growing apprehension was shown also in the Governor's correspondence. On November 27th the Justices of the Peace in Auckland, forwarded a petition to the Governor to apply for Imperial troops from Australia. ⁽¹⁷⁾ The Governor in writing to Stafford informed him of an interview with prominent Wellington citizens, and in December another petition came to hand, with 261 signatures. It might have been presumed that this anxiety would have had its effect on the isolated settlers, and would have prevented further settlement, if it had

(15) Parliamentary Debates, Vol. IV, P. 112

(16) Parliamentary Debates, Vol. IV, P. 120.

(17) A. to J. H. of R. 1869. A.8. Encl. No. 4

not actually made timid settlers return to more protected areas. This presumption would not always have been correct, for we find cases of the military being used to reinstate settlers on confiscated land. On November 7th Whitmore was repulsed near Wanganui, and on the 8th and 9th of the same month, there were more massacres on the East Coast. We should not be surprised at the triviality of the actual causes of outbreaks, because the hostility between the two races was very thinly veiled, and even the theft of two horses was enough to "set the fern on fire" again. At the beginning of December there were further disasters and Bowen complains of the difficulty of securing a definite and consistent policy towards the Maoris, when almost every leading member of both Houses has a native policy of his own, and is swayed by various kinds of personal and local feelings and interests. (18) In a despatch of December 7th 1868 he states (19) that the main causes of the long continuance of the Maori War were generally believed to be -

- (1) The outbreak of the Hau Hau fanaticism in connection with the national, or as it has been termed "Native King Movement".
- (2) The removal of the English Regiment before any tender of submission was made by or any peace was ratified with the Maori King and the tribes which adhere to him.
- (3) The confiscation of a small portion of the territories of the rebel natives.

(18) A. to J. H. of R. 1870. A.1.

(19) A. to J. H. of R. 1870. A. 1

It is practically impossible in such a complicated affair to narrow the causes down to three and include all the main reasons, but there can be little doubt that Bowen is right in mentioning these three. The confiscation of rebel land was a very bitter subject, and roused the Maoris to fighting temper; while the terror of the white settlers caused by the fearful atrocities of the fanatical natives, certainly drove them to desperate measures.

On December 18th came reports of the high-handedness and conceit of Titokawara. Indeed he had sent a letter to Colonel Whitmore telling him that the white men must go, for the Maoris wanted New Zealand. The position at the end of 1868 was very grave indeed, but the tide turned with the year, and in military affairs the colonists began to be more successful. Te Kooti's stronghold, Ngatapa, was taken on January 5th 1869, but for a time this was the only success. The murders at Whitecliffs occurred on February 22nd, and in March, Te Kooti raided Whata^{Ka}tane and followed this up with another raid on the East Coast on May 2nd. A meeting of the King natives at this time had much more satisfactory results, in a more friendly and co-operative spirit towards the white settlers. Despite this increasing success against the Maoris the year 1868-9 was a very critical one for the permanence of the British Empire.⁽²⁰⁾ Dissatisfaction with the Imperial Government was growing, and the debates in the New Zealand Parliament served only to increase the animosity with which

(20) Harrop^{land}, "England and the Maori Wars." P. 346

the colony regarded the Colonial Office. The tone of communications between the two governments was peremptory and not in the least conciliatory. On March 11th, Bowen had forwarded to Granville, the Secretary of State, a ministerial memorandum enquiring the conditions necessary for the retention of a portion of Her Majesty's regular troops in New Zealand. At the opening of the Fourth Session, questions were raised in the House with regard to the defence expenditure. It was apparent that the members were afraid to do without the troops, yet could not bring themselves to be so extravagant as to pay for them.

SUGGESTED ANNEXATION TO U.S.A. It was in this Session that the matter was raised of annexation by the U.S.A. ^{It} ~~The matter~~ had been openly discussed in the colony for some time, but Bowen did not send home copies of the correspondence between Fox and the U.S.A. Consul in Dunedin until May 9th, 1870.⁽²¹⁾ Intense irritation with the Imperial Government was the main cause of this suggestion, although many people imagined they would benefit from a commercial point of view, by independence from Great Britain. The full significance of the action is realised only when we remember that all negotiations with foreign countries had hitherto been conducted through the British Government. Independent direct action by the colony was therefore looked on as dangerous, especially as U.S.A. was unfriendly to Great Britain. Only tactful handling by Granville and Kimberley averted trouble. They realised that the movement was

(21) Harrop, "England and the Maori Wars", P. 377

due to discontent in New Zealand, and agreed to do nothing except approve Bowen's action in having nothing to do with it.

On July 9th, Fox, who was now head of the Government, stated that he considered the internal defence expenditure too great. He drew a comparison between the previous government, which consulted its General and gave him whatever he asked for; and his own government which would see how much it could afford to spend, and arrange its military operations accordingly. Fox evidently was not very worried about the situation, or else he expected the natives to modify their rebellions to suit his expenditure! On July 13th, it was moved in the Council "that the Self-Reliant Policy is the only one likely to relieve us from our present difficulties, and to ensure the permanent peace and prosperity of the country." The majority of members were against it, although they felt it was idle to ask for assistance in the form of troops since the Imperial Government was determined to leave the Colony to its own resources.

Considering the importance of this policy, the defeat of this ~~Motion~~^{Motion} is particularly interesting. It illustrates the way in which the members were being forcibly brought to see the practical issue, and to admit that in the existing conditions a self-reliant policy was not workable. It is interesting to find the Wellington paper⁽²²⁾ saying that there were three main questions for the Government, all in

(22) "Evening Post", July 3rd.

connection with the Maori troubles. The North Island was feeling its danger. Yet it is obvious that the colonists wished to ~~pursue~~^{pursue} a considerate and constructive Maori policy. At the end of July Rolleston moved for a Commission on the relations between the Europeans and the Natives.⁽²³⁾ He complained of lack of consistent constructive policy towards the natives, and mentioned their desire for local government, and the trouble over confiscated lands. The motion was seconded by the Maori member, Mete Kingi Paetahi, but was negatived by quite a large majority. Few members could see what good would come of such a commission. If it held meetings to hear grievances, only the friendly Maoris would attend, the ones who had any strong complaints staying away. Dillon Bell was in favour of returning the confiscated lands. Williamson would have supported it in 1860, when it might have prevented much evil, but felt that it came too late. Stafford could not see that it would result in any practical good, but Rolleston was fairly satisfied in having had the subject thoroughly discussed.

The Colonial Office accused the New Zealand Government of asking for troops but refusing to pay for them. In this connection both Houses agreed to a motion on July 22nd "that a respectful address be presented to the Governor, praying that His Excellency will be pleased to represent to General Chute the disastrous consequences which may follow the removal of the 18th Regiment at this critical period,

(23) Parliamentary Debates, Vol. VI. P. 60

and will be also pleased, pending further reference to the Imperial Government to move the General to accept the responsibility of detaining one regiment within the Colony and assure him that this Council will concur in any legislation making provision to pay such sum as the Imperial Government may require for the time the troops are detained until its decision is made known." The Military Contribution Bill introduced on the 27th and passed on the 30th was to make provision for the payment of the Imperial troops. News was received from General Chute on August 14th, that he had agreed to retain the regiment pending further instructions, but even so, during the months of July and August, both House and Council were anxiously enquiring after the latest news of Te Kooti and other rebels. In August more resolutions were passed asking for Imperial troops and agreeing to help pay for them. Featherston and Dillon Bell were appointed Commissioners to the Imperial Government on September 3rd. But the tide turned again and the crisis passed. A fortnight later Te Kooti was defeated at Waipape, the Colonial troops repeating their success in October at Tokao. The Imperial Government, having decided that New Zealand was merely delaying the departure of the troops for her own convenience, insisted on continuing with their former policy, and since the situation in New Zealand had by this time cleared, the departure of the last detachment of the troops on February 20th 1870, caused little or no disturbance.

CONDUCT OF IMPERIAL GOVERNMENT:

The conduct of the

Imperial Government was a fruitful source of discussion and we gather rather a good idea of the sentiment in New Zealand by following the debates on this matter in House and Council. On June 22nd, 1870, Russell raised the question, but Gisborne said that since the last telegram from England contained the news that the Imperial Government was showing some symptoms of contrition and reform, and was willing to give a material assurance of its sincerity by guaranteeing a loan of £1,000,000 for public works and immigration, the Government did not think it advisable to express a definite opinion at this stage. In the House members were much more bitter, MacGillivray moving "that this House is of the opinion that the Imperial Government has failed in its duty to the colony". To quote from his speech, "if Lord Granville's policy means anything practical, it means this - the sooner the colonies take leave of the Mother Country the better.....In short, the charge against His Lordship is, that he has dealt in such a manner with this Colony, as may lead - I do not say that it will lead - to the separation of the Colony and lead the Colonists seriously to ask what are the advantages we derive from the connection." He admitted however that he did not approve of the action of the Colony or its self-reliant policy. Tancred disagreed with him and felt that

the attitude of the Imperial Government was everything that could have been hoped and desired, except in regard to the 18th Regiment, and even there he thought that the Imperial Government eventually did the colonists a good turn in making them rely on their own irregular troops. He drew attention to the military successes gained by the Colony since the Imperial Regiment had gone.

There can be no doubt that strong feelings were aroused in the country. Gillies was evidently typical of a fairly large section when he said, "I accept what is there laid down as embodying the views of the English Government - giving us a direct hint that the English Government is prepared for our asking for our independence. It seems to me that such is the necessary and logical conclusion not only of the despatches, but of the mode in which we have been treated, of the discussions in parliament and otherwise. I again repeat, we will take the hint, but we will take our own time to put it into effect. We will not be precipitate in the matter, and as they have chosen their time for deserting us, we will choose our time for deserting them." All this, after pointing out that the time would come in the not very distant future when England would look to her Colonies for help and protection!

Borlase maintained that since they had to rely upon themselves the natural corollary was that they ought not to be subject to the misfortunes which might be brought upon them through connection with the Imperial state. Fox agreed with the motion and felt sure that New Zealand, as indeed all the Australian colonies, was bound to separate from England and become an independent country. Stafford was more cautious, warning them that New Zealand was not internally ready for independence and would be better advised to prepare herself more fully. Fitzherbert who was just back from England, having heard all the opposite side of the question felt that members were being a little rash, pointed out their own mistakes, and tried to make them modify their statements. He regretted that the question had been brought forward and also the shape it had assumed. Only a small section desired to break away. He said that talk without action was a waste of time, and as they really did not want to take action, they ought to stop talking. Although three times orders had been sent for the withdrawal of the regiment after his application to Granville the troops were not actually removed for twelve months. He pointed out that they must admit the right of the Imperial Government to use its dis-

cretionary power and not unjustly regard it as utterly inhuman and uninterested. He reminded them that the Imperial Government had been right in its calculations, for the terrible consequences anticipated had not occurred. But he deplored the whole matter as a sign of the changing attitude towards colonial possessions generally.

In the Council Gisborne stated,⁽²⁴⁾ "I believe that treatment to be harsh and unnatural; to be repugnant to the first principles of the British Constitution and to the solemn engagements of the Treaty of Waitangi; because I believe that treatment to be on the highest grounds impolitic, inasmuch as it is the introduction of the thin edge of the wedge which a few more blows will shortly cause to rive asunder and split into fragments, never again to be united, the magnificent fabric of the British Empire". Several members felt that it would be lowering the dignity of the Council to send such an address, but Sewell was all in favour, under the existing circumstances, of assuming the risks and responsibilities - the privileges and immunities - of a free state, instead of continuing in the precarious position of semi-independence. By July 13th members in the House were cooling down, and the general opinion was against the motion. On July 21st the Council passed the

(24) *Parliamentary Debates*, Vol. VII. P. 333

following resolutions:-

1. In the opinion of this Council the best interests of New Zealand will be consulted by remaining an integral part of the British Empire.
2. That there are not sufficient grounds for believing that the people of England desire the disintegration of the Empire.
3. That this Council regrets the course adopted by the Home Government towards the Colony; but as the causes of the dispute have been satisfactorily discussed by the Colonial Government and as an indication of a desire to preserve a friendly feeling towards the colony has been made by the Home Government it is undesirable to make any further reference to past misunderstandings.

The members of the House likewise felt that they should accept the olive branch held out by the Home Government and Mac-Gillivray's motion was therefore finally withdrawn.

INTER-COLONIAL TRADE AND RECIPROCITY TREATIES:

This was

the end of the open antagonism to the Imperial Government but an underlying hostility was manifested in the enthusiasm for Reciprocity Treaties. The first suggestion of these was made on June 23rd when the possibility of Inter-colonial Conferences was discussed in the House. Here we find one of the most interesting problems of Imperial relations being raised. The question was the commercial treaties of Great Britain and how far the colonies were bound by them, and whether colonies could make treaties through their own Governments.

This matter had already arisen in connection with the other colonies. In 1850 the General and Legislative Council of Australia had been given power to enforce such duties as they thought fit on imported goods, but not preferential duties. Canada also in 1859 had passed a Bill indicating her intention to adopt Protection. The Australian colonies therefore in asking for Intercolonial Free Trade were asking for nothing more than had already been accorded Canada in 1850 and 1854 by the Reciprocity Treaty with America.

The New Zealand farmers wanted to be able to ship their wool direct to America, and also obtain goods direct from U.S.A. so that the idea of intercolonial free, or at least preferential, trade, had been mooted for some time. On July 28th a Reciprocity Bill was introduced to admit free, or at a reduced rate, the produce of manufactures of any of the Australian colonies. The Government was not sure whether it had the power to do this, or how far the control of the Imperial Government extended, but Vogel pointed out that the question was whether the Bill was at variance with the treaty made by Her Majesty with any foreign power. Eventually the Government decided it would not be overstepping its powers and the Bill was passed on August 5th.

P A R T I I.Chapter 4THE LAST THREE SESSIONS OF THE FOURTH PARLIAMENT.

The Governor Sir George Bowen

- (a) The Third Session
- (b) The Fourth Session
- (c) The Fifth Session.

SIR GEORGE BOWEN, The Governor of the Colony during these years, was a man of considerable ability. He was looked upon as rather a nuisance by the Colonial Office and treated almost as a fussy, easily-alarmed old man. Yet it is obvious by the number and variety of colonies of which he was Governor that someone must have appreciated his worth. The task of any Governor at this time was difficult, for the rapid changes in personnel at the Colonial Office did not make for continuity. Lane Poole in his book "Thirty Years of Colonial Government" - a life of Bowen - gives a very favourable impression. Sir George was no mean classical scholar. He took a wide view of colonial affairs yet this did not prevent him from understanding and sympathising with the smaller problems which often mean so much to a young colony. Bowen defended the interests of New Zealand as an integral part of the British Empire, and in his despatches did not hesitate to tell the Secretary of State any disagreeable truths which he thought would be good for him. This fact probably

accounts for the attitude of the Colonial Office towards this able Governor, who was most conscientious in carrying out his duties, and who loyally conformed to the principles of constitutional government in the Colony.

The Ministry included Stafford as Colonial Secretary, Fitzherbert as Treasurer, and Hall as Postmaster General, and acting-Treasurer in Fitzherbert's absence.

Stafford was one of the best party leaders New Zealand has had when he was in power, but when he went out of office, he made a very disappointing leader of the Opposition. He took a very broad constitutional view of politics, and was ready to support any useful measure. He showed a tendency to plan the rough outline of a scheme and leave others to fill in the details. It is possible that had they been of the same party, he and Vogel might have been a very good combination, because Vogel loved abstruse problems and also enjoyed working out details. Under Stafford, politics ~~were~~^{were} essentially moderate, and Fitzherbert was another influence in this direction, when he was in New Zealand. He was a man of considerable though unobtrusive influence, but this influence was not remarkable in these years.

Hall, the Postmaster General who had to fill the post of Colonial Treasurer in Fitzherbert's absence was of greater importance. He had had the advantage of a training in administration and organisation in the English Post Office. He was not outstanding as a statesman, but in his

official capacity he was most efficient and conscientious, even when he was doing someone else's job, for his Financial Statement of 1868 was a singularly fine one.

THE STAFFORD MINISTRY 1866-1869; All Stafford's Ministers were able men, and had it not been for their collective war policy, the Ministry would probably have lasted much longer. The two cardinal mistakes were both in connection with the Maori question. The Government was not frank and explicit about the retention of Imperial Troops, for Stafford was never a thorough convert to the doctrine of total withdrawal. It is possible that had he plainly stated that part of his policy would be the attempted arrangement with the Imperial Government for the retention of at most two Regiments, this arrangement might have been made without any practical compromise of colonial control over native affairs. But he would not be definite; he did not obstruct, but he would not facilitate the withdrawal of Imperial Troops. At the same time, the attitude of the Home Government to New Zealand was offensive, unjust, and more like ^{that of} an angry schoolmaster than ^a great statesman.

But the native policy was the chief cause of the failure of this Ministry. Instead of trying, as the main point of their policy, for ~~for~~bearance and conciliation wherever possible, the Government seemed determined to push the policy of force to its bitter end, till the disaffected tribes were thoroughly humbled and subjugated. This led

to the gradual spread of insurrection, exasperated racial feeling, and exhausted the strongest colonising forces in the country.

THIRD SESSION 1868:

At the beginning of this Session, an attempt to repeal the Civil Service Pensions was very easily defeated.⁽¹⁾ J. O'Neill did not see why civil servants should have pensions and not people connected with the Provincial Legislatures. Besides, the civil servants were well paid, and New Zealand could not afford to provide retiring allowances for all of them, especially when some were quite capable of continuing their work. He mentioned the case of one such person retiring on a pension and setting up a most lucrative private business, and wished to amend the Act to prevent the creation of vested interests. The Government agreed with that, but pointed out that were it not for the provisions of pensions, they would not feel justified in dispensing with the services of some officials.⁽²⁾ Later in the year Vogel brought in a Libel Bill to the effect that "a fair and true report in a newspaper, without express malice, of a legislative or other official proceeding or of anything said in the course thereof, and of the proceedings of any meeting required by law to be held in public or of anything said in the course thereof shall be privileged." This Bill was simply declaratory to set at rest doubts raised by conflicting local judgements, and to make the position the same as that under English law. There could have been no very urgent need for this Bill however, for it lapsed during the Committee stage.⁽³⁾

(1) 1868 P.D. Vol. II. P. 87-8. (2) P.D. Vol. II. P. 550.

(3) P.D. Vol. II. P. 505.

The attitude of the Government towards the Press was very tolerant showing that they felt their position fairly secure, for even where breach of privilege was recognised, they did not feel it necessary to take action. This happened when O'Neill asked if it were not breach of privilege when the "Wellington Independent" said "If we strike off men like Bradshaw Haughton and O'Neill whose votes have been secured by giving them paid commissionerships, the Government majority is considerably reduced."

The House decided it was a breach of privilege and O'Neill was content with this decision.

The debate on Maori Representation showed the House at its best, the members taking a more statesmanlike view of the subject.⁽⁴⁾ Russell moved "that in the opinion of this House, electors of the Maori race, qualified under 'The Maori Representation Act, 1867' ought to be relieved from the restrictions imposed upon them by the 6th section of that Act, in so far as it affects the free choice of representatives from among people duly qualified under the New Zealand Constitution Act."

If Maori representation was to be anything more than a sham the Maoris must be allowed to elect Europeans whom they could trust to speak effectively for them in an English speaking Assembly such as parliament. The natives were often not able to speak or understand English and were often called upon to vote on matters of which they were ignorant. Carleton in seconding the motion said that he regarded it as a step towards a more liberal policy to the

natives. Travers insisted that the Act lost its value if the Maori representatives were not Maoris. That was the whole idea of the Bill. Heaphy pointed out that the Maoris would be gradually educated, and meanwhile the advantages of having representatives who went home and mixed with their people and explained the Government's action over-ruled the disadvantages. MacFarlane and Dignan both mentioned that Russell had not the support of the Maoris themselves, who indeed would be dissatisfied with the change. Mervyn hoped Russell would withdraw his motion, as the experiment of introducing Maori members had proved successful and he trusted that the Government would see their way to carry it still further and advise the Governor to call some of them to the Upper House. Hall, with his usual impartiality, found it difficult to decide which way to vote, but he felt sure that the Maori representatives would realise that the disadvantages under which they laboured were not the fault of the House but of existing circumstances. If the Maoris were represented by Europeans they would probably have more influence, but there was the danger of these men being not the best representatives, but the most able electioneers. Graham also hoped the motion would be withdrawn as neither he nor Hall wished to see it negatived. Fox expressed his regret that the Napier Member (Donald McLean) was not there to give his views; for despite political differences, everyone admitted his wide knowledge of native affairs. Noone wanted the Maori representatives

to be pakeha Maoris, the worst type of European, instead of the best type of Maori. Fox felt that the existing system was the best possible, and that rather than change it completely they should attempt to remedy its defects.

Stafford pointed out the objections to raising members to the Legislative Council. There were no two Maori leaders who were outstanding, and whichever two were chosen there would be jealousy and discontent, and that must be avoided. Russell had not expected the debate to take so long but felt that with the concurrence of three out of four Maori representatives in the House he must ask for a division. The motion was defeated, by ten votes.

At the beginning of the year Fox, addressing his old constituents, said, "our finance is undoubtedly in a very unsatisfactory state." (5) But it was the failure in military affairs which was so injurious to the popularity of the Stafford Government. On July 13th, Fox introduced a motion on the policy of the Government. This is the principal and best debate of the Session. Able speeches were made particularly by Fox, Vogel, and Rolleston. The debate was mainly devoted to the relative powers of the General and Provincial Governments. Fox moved that in view of the widespread dissatisfaction with the Government over the lack of information as to its proposed organic changes in the Constitution, and its future action as regarded native affairs, the fullest explanation and statement of policy should immediately be made to the people and parliament of New Zealand.

(5) A. Saunders, "History of New Zealand" ^{Vol 4} P. 250.

He criticised the Governor's speech which should have contained large points of policy, and the speech in reply which should have fore-shadowed large topics and great questions of the future, and offered an explanation of the Government's policy. The only point of policy which he could discover however was local self-government, and he "didn't think much of that trick, carrying out your own policy under the name of your opponent's." (6)

The great principle of self-government is the power of the purse, and according to Fox the Provinces had not this power, except over their own revenues. He quoted Westland where in the very first session the Council asked to have almost every one of the fundamental principles implicit in the County of Westland Act altered, even to the election of the principal officer. The desire for centralisation was abhorrent to the Constitution Act, one of the great features of which was the entire abolition of centralisation, giving to local institutions the power of legislation and administration in matters which specially interested them, without being interfered with by the General Assembly. He accused the Government of wanting to weaken but not destroy the Provincial Governments, and of being inconsistent ,

supporting his accusations by quotations of contradictory statements from various members. Admitting the weakness of the Provinces since the New Provinces Act allowed outlying districts to apply to the General Assembly, he called on the Government, if they were going to alter the Constitution of 1852, to tell the House plainly what they meant to substitute. The standard of the debates did not fulfil his expectations and petty debates could not provide a means of developing great statesmen. "Let the Honourable Gentlemen place before us some broad principles to discuss and then we shall be educating not a body of parish vestrymen but statesmen worthy of the British Empire".⁽⁷⁾ He complained of the lack of documents dealing with native affairs.

Stafford in reply wished that Fox had asked two separate questions, and charged him with giving no constructive criticism of the Government policy. He denied Fox's accusation that his party wanted to weaken the Provinces, insisting that the action of the legislature had rather been to increase their powers, which, he said, were far greater than in 1852. He pointed out that the whole of the land revenue of New Zealand had been given to the Provinces. "Sir, if I am told that increasing

(7) P.D. Vol. II. P. 190

the powers of the Legislature was a treason against the Constitution, it is a treason which I shall be proud of having been concerned in".⁽⁸⁾ In the circumstances the 1852 Constitution was the best that could be devised, but the Provinces were just naturally outgrowing their usefulness. Stafford refused to propose a substitute for Provincialism because it was too late. Fox had been away too long to be a fair interpreter of public opinion. Stafford believed that the Provinces were bound to decay from financial debility and from public opinion, but he refused to think of a cast iron uniform system, although he agreed that the Provinces might have to ask to be relieved from certain public services. As to Native Policy he maintained that no Government at war can disclose its future policy. ⁽⁹⁾

Rolleston supported Fox's resolution because it might help to find out if the Government had a policy or not. He had always supported the self-reliant policy and he would not repudiate it, but wanted to consider what was best for the whole Colony. In an interchange of words with Stafford his arguments proved to be too sound for his antagonist, and he asserted that the native troubles were due

(8) P.D. Vol. II. P. 192.

(9) Native Affairs have been dealt with in the previous chapter.

to the present Government's action. "If we had but simplicity of government, if we had one policy consistently pursued, the results would be very different". (10)

Vogel made a very able speech, lightened by adroit touches of humour and ridicule. He began, ⁽¹¹⁾"It is impossible for the honourable member to come out with an elaborate description of his policy and at the same time to satisfy the House, because I affirm that the real policy of the Government is not acceptable to the House or the country, and I think that there is a consciousness of that in the minds of the honourable members on the Treasury benches." The real question was whether they were to have a constitutional form of government or not. Vogel stated that the Government was trying to keep out the Provincial party which was the only one that had provided any opposition at all in the last three or four years, and reminded the House that when Stafford came to office he was considered to be the representative of strong Provincial feeling. Disagreeing with the settlement of the Imperial Claims by both sides dropping the matter, Vogel felt that the Colony was being wronged. In connection with the removal of the troops he did not hesitate to say that in placing the Colony in the invidious position

(10) P.D. Vol. II. P. 242

(11) P.D. Vol. II. P. 272

of being the only Colony in which troops were not stationed, the Mother Country was snapping asunder one of the strongest links which bound the Colony to her. He expressed himself in favour of a constabulary instead of a militia force against the Maoris, and deplored the illegality of holding the Chatham Island prisoners, suggesting that it would have been preferable to have suspended Habeas Corpus by Bill.

Surprisingly enough Vogel agreed "that the partnership between the Provinces and the General Government should cease"⁽¹²⁾ for it would be impossible for the General Government to take over the Provincial liabilities and loans. The only policy he could see in Stafford's speech was mischievous and dangerous, and the position in regard to the Constitution Act was dangerous enough to start with, for any later Act could overrule the Constitution Act which had been so changed that no one could say how much of it remained. Vogel upheld the idea that a young country for a time needs a written Constitution, and regretted that so little was known of what remained of the Constitution.⁽¹³⁾ "There are" he said "some points of that Constitution, irreversible, which cannot be repealed by the Colonial Legislature, and I charge the present Government with having absolutely the temerity to attack even those

(12) P.D. Vol. II. P. 276

(13) P.D. Vol. II. P. 277

portions of the Constitution Act." He maintained that it was only necessary to look through the documents to show that the Government members were not honest in saying they were favourable to a continuance of Provincial institutions. He attacked Hall very vigorously, especially over the County of Westland, the whole business of which was most unconstitutional. He objected to a county being given financial powers that the Provinces did not possess. The General Government should set an example by keeping its expenditure within its means. His discussion of finance and accounts was very clear, and he insisted that the Colonial Secretary's policy was most dangerous for it would set class against class. He believed that "the Government are riding through all constitutional principles and tearing them to shreds." (14)

The debate continued till August 12th. According to Fox "We are now about to witness the last stage of the development of a system introduced under the New Provinces Act - the tendency to weaken and destroy the Provincial Governments of the Colony" but his motion was defeated by nine votes.

During this Session also a Bankruptcy Bill was brought in by Travers to remedy the defects in the existing

(14) P.D. Vol. II. P. 281.

Act but it lapsed. On August 27th, Reynolds introduced the Election by Ballot Bill to provide that the election of members to the House of Representatives and the Provincial Councils should take place by means of the Ballot, this Bill being passed on October 7th.⁽¹⁵⁾ This matter of Election by Ballot, and modifications of it continued to be raised till the end of this parliament, as did also the matter of University endowments. It was proposed to reserve land for the future endowment of a Colonial University, and the matter was investigated in these sessions.

The University Endowment Bill introduced by Stafford was read a third time and passed on October 13th.⁽¹⁷⁾ It provided for reserves of land to be made for the endowment of a Colonial University, the reserves to remain vested in the Crown in the meantime and to be administered by the Governor. Scholarships to the annual value of £250 were also provided. The Constitution of the University had yet to be determined. The Province of Otago had already reserved land for this purpose, and the resulting educational facilities in Otago prove the wisdom of this forethought.

Hall introduced a Bill to provide for the better government of the County of Westland, explaining clearly and concisely his reasons, and the Bill was committed on

- (15) P.D. Vol. III. P. 52
- (16) P.D. Vol. III. P. 210
- (17) P.D. Vol. IV. P. 285

October 8th.⁽¹⁸⁾ On October 13th the Land Claims Final Settlement Bill was passed,⁽¹⁹⁾ to remedy defects in Land Claims Acts of 1856 and 1858, and to supplement them.

Hall made his Financial Statement on September 1st.⁽²⁰⁾ Despite his claims for an indulgent hearing, the statement is clear and explicit, and contains a very bold and clever proposal for a definite adjustment of all Provincial liabilities, cleverly adapted to take the wind out of the opposition sails, and offering baits which some of the leading Provincialists were expected to swallow. Hall spoke first of the financial depression existing throughout the Colony, and pointed out that it was the first time in the history of the Colony when its revenue had exhibited a falling off. He suggested that the Statement should be presented earlier so that there was more time to discuss it. He was satisfied with the settlement of the Imperial Claims although he still did not agree with all the Home Government's claims on the Colony. Trade, although depressed, was intrinsically sound, the total exports being almost on a par with the imports. The Post Office and Telegraph did not share the general depression but increased its gross earnings and the amount of business transacted. This Hall considered a more correct index of the condition of the people. The expenditure on

(18) P.D. Vol. IV. P. 232

(19) P.D. Vol. IV. P. 297

(20) P.D. Vol. III. P. 78

Postal Service was reduced by £42,000, and it was proposed to reduce the expenditure for native purposes by £11,000 but military disaster had upset the calculations. The revenue from confiscated land was £11,929, while claims and charges on the same fund were £54,410. There was an apparent saving upon authorised expenditure of £154,196:6:7 but much of this was apparent only, due to the change wrought by the "Public Revenues Act". There was a balance of £46979:15:11 but of this £25000 was required to pay off Treasury Bills, the balance being fairly available for the service of the current year.

Hall asserted that it was radically wrong in principle that one government should raise money and another spend it, and he proposed to recommend to Parliament that on the 1st January next the partnership account should be finally closed, and the funds, if any, which might be issued from the Treasury for Provincial administration should be voted annually and for specific services by the Legislature. The Government was of the opinion that "if the Colony absolutely undertakes the payment of the Provincial Debts, it is but fair and reasonable that it should have the use of whatever provision has already been made towards such payment."

Hall concluded an able and well arranged speech by proposing a series of resolutions, all relating to the division of revenue between the Colony and the Provinces.

- (1) That in order to simplify the relations between the Colonial and Provincial Governments, to remove uncertainty from Provincial Finance and to facilitate the ultimate reduction of taxation, it is expedient that the system of Provincial Charges on the General Revenue be abolished, that the Consolidated Fund be at the disposal of the General Assembly and be charged generally with the Interest and Sinking Fund on the Colonial and Provincial loans and with the expenses of the Colonial Government including the maintenance of the Harbour establishments.
- (2) Nelson was to be offered £90,000 and Wellington £15,000 to persuade them to consent to the interest and principal on the large debts of the less prudent Provinces being paid annually from the Colonial Revenue.

Vogel made the most able attack on this statement,⁽²¹⁾ but he acknowledged its clarity and frankness and admitted that the severance of partnership would be a good thing. But he raised the objection that parts of the Colony would benefit more than others from Hall's scheme, and as it was obviously unfair that the Provinces whose liabilities were

(21) P.D. Vol. III. P. 92

not large should have to contribute towards those who had incurred large debts, he stated emphatically that he wanted no such gambling transaction as such a proposal would effect. The basis of the proposals was to lessen the payments of the Colony to the Provinces, and although this should give a saving the taxes could not be reduced, therefore the finance must be wrong somewhere.

On September 9th, Fox moved a vote of no confidence, and a long and acrimonious debate followed. Fox concurred in the proposal for the dissolution of financial partnership between the General and the Provincial Governments, but he did not want to destroy the feeling of individual responsibility on the part of the Provinces. Then he discussed the native affairs, defence and militia problems.

Stafford replying, complains of the confusion of responsibility, when both Provincial and Central Governments are responsible each leaves it to the other and nothing gets done. Jollie trusted that the time would shortly come when they would be able to terminate the partnership altogether by placing every Colonial Department under Colonial administration, and so removing every pretext upon which the Provinces could claim to share in Colonial revenue. It proved to be native affairs on which

the Government was so little trusted by the House. The Resolutions were carried on September 18th however, and the casting vote of the Speaker defeated the motion on September 25th. The whole debate displayed very bad taste and judgement.

The Premier's position was very difficult for in Nelson a public meeting had passed a vote of no confidence in his policy. (22)

On going into Supply Fox moved an amendment "that it is expedient that there should be an immediate dissolution and that the writs should be issued without delay at the close of the session". The amendment was lost by nine votes, Stafford making a very able defence, pointing out especially that it would be very bad to have a dissolution in the middle of a war. It was undesirable also from the point of view of native policy. Fox made another attack on October 16th, this time on Stafford's anti-provincial policy. Stafford's reply was good, and Hall made his last speech.

On October 20th Parliament was prorogued, fifty-two Acts having been passed, and twenty-seven rejected or neglected. Standard Time for New Zealand was adopted, that of longitude $17^{\circ} 24'$ E of Greenwich being $11\frac{1}{2}$ hours before Greenwich Mean Time.

(22) A. Saunders "History of New Zealand" ^{Vol II} P. 255

At the end of this Session Stafford resigned his Nelson seat, and accepted nomination for Timaru where he was elected unopposed.

THE FOURTH SESSION: "When the Parliament met on June 1st, 1869, his weak Minister of Defence, his theoretical Native Minister, and his inaccurate roaming Treasurer, added not a little to the difficulty of Stafford's position".⁽²³⁾ This difficulty was increased by the effective satire of Fox, and the just, able and plausible financial criticism of Vogel.

Reynold's Ballot Bill passed its first and second readings on June 10th, but four days later Fox moved a vote of no confidence, which after a two weeks' debate was carried by forty to twenty-nine. Fox in opening the debate commented on the fact that the Stafford Ministry still continued in office, despite the number of very narrow majorities and the impossibility of passing any ministerial measures. He charged the Government with inefficiency and lack of policy which had brought the country to a deplorable condition, especially as regarded native and military affairs. The trouble caused by the differences between the local, civil, and military authorities has been mentioned in the previous Chapter. Stafford insisted that Fox was not the leader the country wanted and proceeded to follow through his career pointing out all his mistakes.

(23) Saunders "History of New Zealand". P. 275

It is always easy to point out what has not been done, but naturally Stafford took no account of the difficulties which Fox may have encountered. In exactly the same way Fox did not allow for the extra problems of the situation in Stafford's administration. Heaphy emphasised the disastrous effect of the present policy on military campaigns. Graham considered that the Government had brought the whole of the Colonial and Provincial institutions almost to the state of bankruptcy. Vogel's criticism was clear and reasoned. He held that the Government had ignored the Assembly, had taken the management of affairs out of the hands of the House, and had shown that they lacked the capacity to do justice to the responsibility they had assumed. The debate was almost entirely upon the military and native policy of the Government which was considered unsatisfactory.

Fox became Colonial Secretary on June 28th and on the 2nd July ~~his title~~ became Premier. Gisborne was his Colonial Secretary, McLean the Native Minister and Minister for Defence, Vogel the Colonial Treasurer, Postmaster General and Commissioner of Customs, while Dillon Bell was Minister without portfolio. Fox had been Stafford's political rival for many years, and he was a great contrast to Stafford, being much more in his element

as leader of the Opposition than as leader of the Government. He did not possess the more tactful qualities such a position required, being too aggressive, and more skilful in attack than defence.

The most important of his ministers was Julius Vogel who was also an aggressive personality, as yet not experienced enough in official business to have reached his maximum usefulness. He was far-sighted and self-confident, and possessed a very constructive ability. His speeches were apt to be tedious but in debate he was excellent, being clear and precise. The conception and initiation of the Public Works policy was his great claim to fame.

Fox's government had two main objects, to bring about an honourable and permanent peace and to rehabilitate colonisation. In the first problem the aid of Sir Donald McLean was invaluable. Towards the second great object, the renewal of colonisation, the public works policy was set on foot in 1870 as an effective means of promoting settlement and of developing industries, and indirectly of finally settling the native difficulties. The chief features of this policy, were the borrowing of large sums which should be applied under the direction of the Colonial

Legislature to the construction of leading lines of railway, of main roads, and of other important works, and to the encouragement of immigration. The accumulation of public debt within reasonable limits would in other words be a profitable colonial investment so long as the proceeds of the loans were mainly expended in promoting settlement by means of railways, roads, bridges and telegraphs, and in the increase of population by suitable immigrants. The conception of this idea was statesmanlike and practical, and on the whole successful. The Colony progressed, its public credit even improved. There were however serious faults in the manner of giving effect to the policy. The principles of the policy and the general administration as a whole were successful, but it would have had a greater success had two of its preliminary conditions been the reservation on behalf of the colony of large tracts of Crown land through which railways were intended to be made, and the use of these tracts for the purpose of actual settlement. This course would have secured two important objects; first the progressive colonisation of the country concurrently with the progress of the railways, and secondly the substantial recoupment into the Colonial Treasury of a great part of the railway expenditure. This had indeed been part of the original plan, but it had been waived for fear of raising provincial antagonism. (Another example of the ill-effects of Provincial jealousy.)

There was a growing apprehension in the Colony that the Government would attempt to abolish the Provinces and Stevens moved ⁽²⁴⁾ that the House should go into committee to consider the resolution, which after a long debate, and several amendments, was ultimately agreed to as, "That in the present condition of the Colony it is innopportune to decide questions involving great constitutional changes; that such should more properly be left for the consideration of the next Parliament; and that the great difficulties in which the Colony is involved will not allow of any reduction in the taxation of the Colony at present". The resolution had at first been intended to prevent the institution of any further sub-divisions of the Colony which should receive a share of the Consolidated Revenue, and the replacement of the Provincial Governments by local bodies had also been suggested.

The County of Westland Act Amendment Act to provide efficiently for the control of expenditure of public money in Westland, was read a third time and passed on August 26th.⁽²⁵⁾

In the last three sessions of the fourth parliament much legislation dealt with the Provinces in an attempt to define the relations between General and Provincial Governments more satisfactorily.

(24) P.D. Vol. V. P. 423

(25) P.D. Vol. V. P. 768

Educational needs were not neglected, and the House passed Ball's motion. ⁽²⁶⁾ "That ... it is desirable at the earliest possible period to terminate the unequal distribution and lack of harmony which obtains in the administration of Educational Agencies under the independent action of Provincial Governments, by the introduction of a comprehensive system of Public Schools adapted to the requirements of the Colony."

Vogel's first Financial Statement was not very provocative. His position was difficult, as he had been in office only four weeks, and had temporarily ~~ful~~filled several other offices. Accounts had also been late coming in. The new system of accounts which had been in force for two years was a failure, for it was impracticable and misleading. He criticised the existing system, especially the imperfect control over expenditure exercised by the House.

THE FIFTH SESSION:

"The year 1870 will always be remembered in New Zealand as the year in which the Colony was relieved from the exhausting financial pressure brought upon her by the follies and crimes of 1860, abundantly supplemented by the incapacity of General Cameron, and by the mingled weakness and wickedness of the three following administrations." (27)

There had been a plague of reckless expenditure; Southland was reunited to Otago in 1869, having been unable to meet her financial engagements.

(26) P.D. Vol. V. P. 526

(27) A. Saunders "History of New Zealand" ^{Vol II.} P. 288

Vogel was improving arrangements for postal communication and he negotiated a contract for the carriage of mails to and from San Francisco. Assistance was also given to a shipping company to enable them to get the mails to Australia in time to catch the Suez mail.

Parliament reassembled on June 14th and on July 6th Fox moved the Election by Ballot Bill. Great interest was taken in this measure, each clause being carefully considered, and divisions taken on separate clauses, and it was finally passed on July 6th.

This Bill provided for the introduction of the Ballot into the system of elections, both for the General Assembly and the Superintendent and the Provincial Councils. It had passed the House twice but had failed to become law through the opposition of the Legislative Council.

The amendments of the Legislative Council were not of a fundamental character, being calculated mainly to improve the working of the measure. Some objections were raised in the House when the Council wanted the Bill to apply to the County of Westland, to other Counties, and to road boards, but eventually all the Amendments were agreed to.

Bunny inquired if the Government was bringing in legislation on education, a subject which was receiving great attention from the community. Fox replied that they did not intend to legislate on elementary education, but a committee was to be appointed to investigate the possibilities of a University in New Zealand. (28)

(28) Select Committee of Legislative Council appointed to enquire into University Endowments. P.D. Vol. VII. P. 207

The Franchise Extension Bill produced some very interesting discussions. Haughton, who introduced the Bill, wanted to extend the franchise to all men over twenty-one, who were British subjects and registered and not in gaol or hospital or otherwise ineligible. Creighton was prepared to give women the vote, but Wood was very much against it, ~~but~~ the Bill was ~~neglected~~ dropped.

FINANCIAL STATEMENT:

On June 28th, Vogel presented his Financial Statement at the earliest date it had ever been made. He stated that the ^{my} Measures of the previous year had effected their purpose, and the Assembly would in future be able to ascertain the actual expenditure and liabilities within the year, and compare them with the estimates. It would thus be possible to deal with one year as a separate whole. The Annuities and Life Assurance Act had been brought into operation and promised to be so successful that Vogel proposed to introduce some measures for extending it, and increasing its usefulness.

He congratulated the Colony on the satisfactory state of its credit. The total indebtedness was £4,215,114 part of which was due in 1870, part in 1871, and part in 1874 but arrangements had been made to renew these till later. The previous year's accounts were clearly explained, and also the £60,000 overdraft, on which no interest was payable as long as the total balances to the credit of the various funds was equal to the nominal overdraft. The surplus therefore was £76,281. 5.11.

Special Land and Trust Funds:

The Trust Fund was in a satisfactory condition, the credit balance in the Post Office Savings Bank being a pleasing testimony to the frugal habits of the people. The Special Fund Account however was embarrassing, and Vogel proposed to clear up the existing position by settling, or taking into other departments such loans as were there and making the other fund really efficient by using it for all moneys borrowed for specific purposes. As the whole year had not quite expired, it was difficult to be exact in the Revenue and Expenditure for the past year. There would at the moment appear to be a deficiency of £35,591. 9. 3, but more than this amount was out in loans.

Then Vogel reached the important part of his statement.— His Public Works and Immigration Policy. As the colonising spirit was reawakening, the desire for immigration became apparent, as well as the need for the renewal of public works. It was time for the settlement of the country to be actively promoted. There were three main principles at the base of these proposals. The first was that both islands should aid in the colonising work; both be placed in a position to contribute to the general requirements and both share in the results obtained. The second was that it was inexpedient to embarrass colonial operations with unnecessary political changes, and that therefore it would be wise to adhere as closely as possible to the political institutions with the working of which they were familiar. The third, was that

the conditions and circumstances of different parts of the Colony varied widely although there was throughout the Colony the same necessity for colonising operations.

The most urgent needs of the Colony were public works, roads and railways, and immigration, which were inseparably united. Unfortunately there was still an appreciable amount of inter-island jealousy and this made arrangements difficult. Vogel proposed to give both Islands £400,000 to be used in the north for roads and railways, for it was the North Island which would obtain the greatest advantages from being opened up. He was in favour of the Colony making the payments and taking possession of land of commensurate value. It was not desirable to give control to the Provinces or to local bodies, for this would cause far too many problems. He mentioned the gratifying announcement that the Imperial Government was prepared to guarantee a loan of a million for public works and immigration. (The Commissioners in London Featherston and Bell, had been well chosen, and were highly successful. The English Government was naturally more willing to guarantee a loan for public works than for a war which it had never believed necessary or justifiable). Vogel pointed out also the good effect this policy would have on the native problem. It would mean the employment of large numbers of well-paid natives, and further occupation by Europeans, which would equalise the numbers of the two races,

and so put an end to hostilities and confirm peaceful relations.

Continuing his Statement, Vogel mentioned the extension of the telegraph. In connection with the financial relations with the Provinces, the Government wished to respect the integrity of the Provinces but would not shrink from making alterations in the Provincial System as the requirements of the country or of a colonising policy demand. Conferences had been and were being arranged on intercolonial trade and interchange, and reciprocal trade was already in operation.⁽²⁹⁾ Taxation was simpler now that the partnership between the Colony and the Provinces had been dissolved. There were some increases and some decreases. Vogel did not believe that defence should be defrayed out of the ordinary revenue, but he commented on the improved aspect of native affairs. For the ensuing year he gave the probable expenditure as £903,523. 0. 5, and the estimated receipts as £1,051, 500.

Wood objected to the scheme, calling it "wild impractical and unpractical".⁽³⁰⁾ Gillies felt that it was unusual to object to such a proposal, but in this case he felt it was unusual to submit such a proposal. Stafford thought it was inconvenient and too ambitious; but he would pass the resolutions if they could be discussed and altered in Committee. He commended this much more satisfactory way of proceeding. Fitzherbert also agreed that it was too late to refuse to pass the resolutions, and they were accordingly agreed to on June 28th.⁽³¹⁾

(29) See Chapter III, pp 39-40

(30) P.D. Vol. VII. P. 115

(31) P.D. Vol VII. P. 118

In debate, Rolleston said that he did not wish to amend, but merely to express an opinion. It was obvious that no ordinary ability, and no ordinary amount of labour had been put into the plan. He was sure that the Colony as a whole approved thoroughly of the principles involved in such a proposal and recognised that their duties as colonists had in a great measure been neglected for some time past. But there was great alarm on the part of many people who pictured the ruinous results the policy might have if it were not carefully carried out. Stafford was embarrassed by the novelty and variety of the subjects and the magnitude of the proposals, and the great importance to the country of their issue. There was much feeling against the proposals and Fox's speech in reply to all the criticism was not well received. The regulations were finally agreed to however on July 21st. (32)

In August (as has been mentioned elsewhere) the Reciprocity Bill was passed. A motion on the independence of Parliament, to the effect that no paid servants of the Government were to be members of the Legislature, was amended and ultimately defeated.

A Bill to establish a University of New Zealand was introduced, and after the House had gone into committee, amended, read a third time, and passed on August 26th. (33)

This is a "landmark in New Zealand history" (34) Good schools

(32) P.D. Vol. VIII. P. 48.

(33) P.D. Vol. IX. P. 328

(34) "The Progress of New Zealand in the Century" Irvine and Alpers, P. 277

and colleges already existed, and the system was now completed by the establishment of a University.

The Otago Provincial Council had already in 1869 passed the University of Otago Ordinance providing for a University with power to grant degrees in arts, medicine, law and music. To pass such an Act through the New Zealand Parliament was much more difficult especially with Provincial jealousies should the Otago University become the New Zealand University. The Bill was however finally passed, setting up a University with a Council and Senate. Power was given to confer, after due examination, degrees in arts, medicine, law and music; incorporated colleges might be affiliated to the University; there was no religious test, and with great discretion and cautious economy, the Government granted £3000 annually towards the expenses. It should be noticed that no attempt was made to exclude women students.

A Representation Bill was introduced to adjust the boundaries of electoral districts, and was passed on August 26th.

A Bill was introduced to improve the administration of Native Reserves, but it lapsed. It was to have provided better means for the establishment of reserves in the future, when the Natives sold their lands under the Native Lands Act.

A message was received from the Governor about the Immigration and Public Works Bill, which was ultimately passed, with amendments from the Legislative Council, on September 6th.

A Bill to extend to the County of Westland the privileges of the Ballot, as it had been omitted in the Representation Bill was passed on September 9th.⁽³⁵⁾

On August 17th Richmond moved "that it is the duty of this Legislature to secure that provision shall be made for the education of the people in all parts of the country. That for that purpose the Government should, during the recess, prepare a Bill to be introduced early in next session: and that the main provisions printed on the supplementary order paper should be included in the Bill." The motion was agreed to.

And finally, the Public Works Policy was started by the introduction of the Immigration and Public Works Loan Bill, to authorise the raising of funds by loan for the construction of roads in the North Island of New Zealand, the introduction of immigrants, the supply of water to the goldfields, the construction of railways, and other public works. It was reported with amendments, read a third time and passed but was sent back with the Governor's amendments and was finally passed on September 12th.⁽³⁶⁾

1870 therefore was an important year in New Zealand history. It ushered in the decade 1870-80, a

(35) P.D. Vol. IX. P. 653.

(36) P.D. Vol. IX. P. 700.

striking and sensational period in the Colony's development, its leading features being the initiation of the Public Works Policy and as a direct consequence of this the abolition of the Provinces and the great increase in population and prosperity especially in the earlier part of the decade.

S U M M A R Y

The years from 1868 to 1870 were years of recovery and preparation. With the earlier gold discoveries in the south, there had been an abounding revenue from the sale of land, the stream of immigrants had increased the population, and Canterbury and Otago had consolidated their economic leadership. The effect of the gold rushes had been to stimulate a demand for agricultural products from the Wakefield settlements. When the demand began to fall towards the end of the sixties the precarious economic situation of the Colony began to be revealed. After 1865 the demand for Government action to remedy unemployment became more and more insistent. By 1870 the imports and exports were approximately equal again, the boom of the gold rushes was over, and New Zealand was facing the painful necessity of producing a surplus of exports to pay interest on its debts. However there seemed every possibility of trade rapidly improving for inter-Colonial free trade was being started, and conferences were arranging further details for the benefit of all the colonies.

The native wars were finally settled and the problems of reconciliation were waiting to be solved.

Various plans were suggested and much legislation passed the Houses with this aim in view. The question of confiscated lands, and native reserves was very difficult, for the Maoris were very strongly attached to their land and did not understand the pakeha laws. The problem of Maori representation was being worked out in these three sessions, and much general legislation is based partly on some scheme for helping the natives.

This is seen even in Vogel's main proposal for the renewal of Immigration and Public Works. He takes great care to point out the good effect it will have on the native policy. The initiation and preparation for this Public Works policy is probably the most important feature of this period. The preliminary trials of the Colony were over, and it was now in a position to march ahead and develop its resources to the full. The desire for development intensified the need of further immigration. The European population was felt to be far too small, and larger numbers were essential before more country could be opened up. There is no doubt that it was a very ambitious scheme for such a young and small country, but the Colony as a whole possessed many of the qualities of Vogel himself and was prepared to adventure forth with the farsighted optimism of all pioneers.

The old Provincial system is in the last stages of decay but for that very reason the Provinces are active and still obstructively jealous. Gradually however the General Government is whittling away their powers and weakening them so that they have to ask for assistance. The question of financial relations is at the root of the destruction of the Provincial governments. It was found that finance was so confused and unsatisfactory that in these years the whole system was reorganised.

Relations with the Imperial Government at the beginning of this period, and indeed throughout most of the period, were very strained. The question of the retention of Imperial troops was a very sore point, and it took the Colony a long time to recover from her treatment by the Home Government in this, to her, major crisis of her existence. Nor was the Imperial Government at all happy on the subject, and it was only through the good work of the Commissioners Featherston and Bell that amicable relations were re-established in 1870. The links which bound the Colony to the Mother Country came through the test as strong as ever, but the relations were not quite the same. New Zealand felt herself on a much more equal footing. She had been forced to rely on her own strength, and to her surprise had not found it lacking, and she was now inclined to be as independent as possible. For example she made

trade treaties with the United States, a foreign power, thus violating another of the Durham limitations and gaining a further step towards responsibility and equality. Her experiments in differential duties and reciprocal trade with Australia formed another such step. Yet these Intercolonial Conferences gave birth to the later idea of Empire Federation, and similar Empire Conferences and were thus ultimately a force towards unifying rather than breaking up the Empire.

These are also very interesting years from the point of view of education. All education previously had been in the hands of the churches, and educational opportunities had been most unequal due to the different degrees of prosperity of the different Provinces and the different value each put upon adequate educational facilities. By the end of 1870 however public school systems were begun and legislation was being planned to remedy the inequalities and the deficiencies of the existing system. In 1870 also provision was made for the establishment of a University in New Zealand.

We have said that this was a period of beginnings and endings, yet in another way, in the history of the Colony, it was the coming-of-age period, when the Colony having overcome all its early difficulties prepared to assume full control, and to learn how to make the proper and most effective use of it.

B I B L I O G R A P H Y.

- New Zealand Parliamentary Debates 1868-70 Wellington
- Appendices to Journals of House of Representatives, 1868-70.
- New Zealand Statutes, 1868-70.
- Christchurch "Press," 1868-70, Christchurch.
- "Lyttelton Times," 1868-70, Christchurch.
- Hight J. and Bamford W.D. "The Constitutional History and Law of New Zealand", Christchurch, 1914.
- Harrop, A.J. "England and the Maori Wars". London, 1937
- Reeves, W.P. "New Zealand", London.
- Rusden, G.W. "History of New Zealand", Vol. II. Melbourne, 1895
- Saunders, Alfred. "History of New Zealand", Vol. II. Christchurch 1899.
- Gisborne, William "New Zealand Rulers and Statesmen", London 1897.
- Marels, J.S. "Colonization of New Zealand", Oxford University Press, 1927
- Irvine, R.F. and Alpers, O.T.J. "Progress of New Zealand in the Century" Truscott, Toronto.
- McIlraith, J.W. "Course of Prices in New Zealand", Govt. Printer, Wellington.
- Cowan, James, "The New Zealand Wars and the Pioneering Period", Vol. II. Wellington, 1923.
- Whitmore, Major-Gen. Sir. George S. "The Last Maori War in New Zealand under the Self-Reliant Policy", London 1902.
- Trollope, Anthony. "New Zealand", London, 1874.
- Simmons, Alfred. "Old England and New Zealand", London, 1879.
- Campbell, A.E. "Educating New Zealand", Wellington, 1941.
- Lane-Poole, "Thirty Years of Colonial Government"
- Condliffe, J.B. "New Zealand in the Making" London, 1930.
- Simpson, Myrtle M. "The History of the Second N.Z. Parliament" Unpublished Thesis
- Doig, Miss D. "The History of the First Session of the Third New Zealand Parliament". Unpublished Thesis.
- Gallagher, H.A.L. "The History of the First and Second Sessions of the Fourth New Zealand Parliament." Unpublished Thesis, 1938.